

# State of South Carolina

## Office of the Governor

MARK SANFORD  
GOVERNOR

POST OFFICE BOX 12267  
COLUMBIA 29211

March 21, 2003

The Honorable David H. Wilkins  
Speaker of the House of Representatives  
State House  
Post Office Box 11867  
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am returning without my approval H. 3698, R-24, a Joint Resolution:

TO PROVIDE THAT SCHOOL DAYS MISSED ON JANUARY 17, 23, AND 24, 2003, BY THE STUDENTS OF THE SEVEN SCHOOL DISTRICTS IN SPARTANBURG COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO INCLEMENT WEATHER CONDITIONS ARE EXEMPTED FROM THE MAKE-UP REQUIREMENT OF THE DEFINED MINIMUM PLAN THAT FULL SCHOOL DAYS MISSED DUE TO EXTREME WEATHER OR OTHER CIRCUMSTANCES BE MADE UP; AND TO ALLOW EMPLOYEES OF THE SEVEN SCHOOL DISTRICTS OF SPARTANBURG COUNTY VOLUNTARILY TO TAKE UP TO FOUR DAYS OF UNPAID LEAVE.

This veto is based upon my belief that H. 3698, R-24 is unconstitutional.

Though well-intentioned as it might be, H. 3698, R-24 is an example of specific legislation that has been enacted to address circumstances that could have been addressed by general legislation. The state constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). The General Assembly could establish a general statute that sets forth the general types of events or occasions when missed school days may be exempted from the make-up requirement, and authorize school districts throughout the state to exercise discretion in granting such exemptions. The recurring nature of legislation like H. 3698, R-24 demonstrates the policy

The Honorable David H. Wilkins

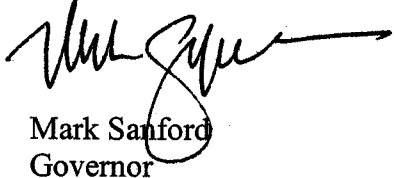
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basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

In summary, I believe the specific nature of H. 3698, R-24 renders this Joint Resolution unconstitutional. For this reason, I am returning H. 3698, R-24 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", with a long horizontal flourish extending to the right.

Mark Sanford  
Governor